

1895-076 Chancery Causes: James Smith vs. Crab Orchard Coal & Iron Co
Lee Co.

James

CA-Debt

T-Property

To the Hon. J. S. K. Morison, Judge of the
Circuit Court for Lee County, Virginia.

Your orator James Smith and
your oratrix Lorinda Smith, humbly
complaining, respectfully represent unto
your honor that on the 15th day of Oct,
1890, they sold, and by deed of that date
conveyed, for the price of \$872⁰⁰, to the Crab
Orchard Coal and Iron Company, a
corporation doing business under the
Laws of the State of Virginia, a certain
tract or parcel of land situated in
the Crab Orchard section of Lee County,
Virginia, the same being known as the Alex-
ander F. Smith farm, and as a part of
the Green B. Pennington farm; and for a
full and particular description of said
land and the terms of said sale, refer-
ence is here made to said deed of con-
veyance, which is recorded in the County
Court Clerk's Office of Lee County, Va.,
in Deed Book 26, page 108 &c. A copy
of said deed is here filed marked "A",
and prayed to be considered as a part
hereof.

Your orator and oratrix represent
unto your honor that, at the time of
the execution of said deed of conveyance,

there was paid to them in hand the sum of \$436⁰⁰/₁₀₀, a part of the purchase money for said land; that for the residue of said purchase money of \$436⁰⁰/₁₀₀, said company executed its two several notes, each bearing even date with the date of said deed, each payable twenty-four months after its respective date, and each bearing 6 per cent interest from its respective date. Said two several notes are drawn and executed as follows: one to James Smith for the sum of \$290⁰⁰/₁₀₀, the other to Lorinda Smith for the sum of \$145³³/₁₀₀. Each of said notes is signed by the Crab Orchard Coal and Iron Company, by W. W. James Secretary and General Manager under his seal. Said two notes are herewith filed marked "B" and "C" respectively, and prayed to be considered as part hereof.

Your orator and oratrix represent unto your honor that they retained their vendors' lien in said deed of conveyance to secure the deferred payments of the thereby has the first and only lien to wit a vendors lien on said purchase money on said land.

Your orator and oratrix further represent unto your honor that they

have not, nor has either of them, been paid the whole or any part of said notes, or either of them, but that the same are still due and wholly unpaid, and that they are entitled to recover the amount with interest thereon as is represented by the respective face of each of said notes.

The object, therefore, of this bill is to enforce said vendors' lien against said land, and to have the same sold, or so much thereof as may be necessary, to pay said notes, with interests, and the costs of this suit.

The prayer of your orator and Oratrix, therefore, is that the Crab Orchard Coal and Iron Company, a corporation doing business under the laws of the State of Virginia, be made a party defendant to this bill and required to answer the same on oath; that said vendors' lien be enforced, and said tract of land, or so much thereof as may be necessary, be sold to pay said notes, with interest, and the costs of this suit; and that your honor will grant unto your orator and oratrix such further and general relief as good conscience and the nature of their case may require.

May Spa, issue &c., and they will
ever pray &c.

A. M. Goins, p. g.

Tax 1.50
C 6.94 Paid
S 50 Paid
A 15.00 Paid
Estimate 5.00 1/2 p. 14.

\$28.94

Bid off by
Chas. L. & M. J. Jones
at \$55.21.

James Lorinda Smith
vs. $\frac{3}{4}$ Bill in Chancery.
The Crab Orchard Coal
& Iron Company

2 Notes Enclosed.

1893 1st Febry Rules Bill
Filed 3rd Feb 1893
" 2nd Febry Rules D. W. H. C.
Cause & Cause set for hearing
by Plaintiff
" March Term Decree
for sale & Court



City of Bristol, Va., *Oct 15*, 189*0*

Office of the Crab Orchard Coal and Iron Co.,

Twenty four Months after date the "Crab Orchard Coal and Iron Company," promise to pay

James Smith

the sum of *Two Hundred & Twenty + 67* Dollars,

with six per cent interest ~~after maturity~~, at the Company's Office in the city of Bristol, Virginia it being the *Last* payment on land this day sold and conveyed to said Company, and for value received. In witness whereof the Crab Orchard Coal & Iron Company has caused these presents to be signed by W. W. James, the Secretary and General Manager of said Company, and the said W. W. James has hereunto set his hand and seal the day and year first above written.

The Crab Orchard Coal and Iron Company,

By *W. W. James* (SEAL.)
Secretary and General Manager.



City of Bristol, Va., *Oct 15*, 189*0*

Office of the Crab Orchard Coal and Iron Co.,

Twenty four Months after date the "Crab Orchard Coal and Iron Company," promise to pay

Lorinda Smith

the sum of *One Hundred Forty Five + 33* Dollars,

with six per cent interest ~~after maturity~~, at the Company's Office in the city of Bristol, Virginia it being the *Last* payment on land this day sold and conveyed to said Company, and for value received. In witness whereof the Crab Orchard Coal & Iron Company has caused these presents to be signed by W. W. James, the Secretary and General Manager of said Company, and the said W. W. James has hereunto set his hand and seal the day and year first above written. *The title to 12 Acres of land to be conveyed*

The Crab Orchard Coal and Iron Company,

By *W. W. James* (SEAL.)
Secretary and General Manager.

B

D

James^{and} Lorinda Smith

vs.

Crab Orchard Coal & Iron Co.,

} In Chy.

This cause came on again this day to be heard upon the papers formerly read therein and the report of A. M. Goins, who was on the 14th day of Nov. 1894, appointed a Special Comr. for the purpose of making to the purchasers of the land in the bill and proceedings mentioned, a deed. On consideration of all which, and for reasons appearing to the court, and there being filed with said report a deed made by said Goins to Chas. L. and M. J. James to said land, and no exceptions being taken to said report and deed, it is adjudged, ordered and decreed that said report and deed be and are hereby confirmed, and that said grantee in said deed pay to said Goins for his services as such Comr. the sum of five dollars, and after the payment of the same said grantee may withdraw ~~the file~~ from the files of this cause said deed, And this cause is stricken from the docket.

James & Lorinda Smith

85 } Decree Final

Crab Orchard Coal & Iron Co

O.B.
Page 134

Enter this Decree,
this March 5 1895-
W.J.M.

Jos. & Lorinda Smith Amplets } In Chancery
vs
Leah Orchard Leach & Son Ltd. }

This Cause came on again to be heard upon the papers formerly read in said Cause, and the report of Comm. A. M. Goins filed therein on the 14th day of Nov. 1894 and it appearing that from said report that the whole of the purchase money by M. P. & Chas L. James has been collected and paid out to said plaintiffs; it is therefore adjudged, ordered and decreed that said report and disbursement be and is hereby confirmed; and the said A. M. Goins is hereby appointed a special Commissioner for the purpose, who will make to said M. P. James and Charles L. James a deed with covenants of special warranty to said Land, which they purchased as shown by his report of sale filed in this Cause on the 22nd day of May, 1893, and he will report his action to Court, at which time this Cause is continued.

Jas & Lorinda Smith
as of Dec 1

Leahonchard
Leah & Lou Lee

Entered in
Chancery Order
Book Page 86

Enter this
Nov 14/94

N. J. M.

James & Lorinda Smith
vs.
C. O. Coal & Iron Co. } In Chy.

This cause came on again this day to be heard upon the papers formerly read therein and the report of Commr. A. M. Gains, filed Feb. 23, 1894; and said report, having been filed the required number of days before the entering of this decree, and the same being unexcepted to, is hereby confirmed. And it appearing from said report that Chas. L. James and M. J. James, the purchasers, have not completed their purchase by the payment of the purchase money due thereon; and it appearing by an exhibition of the note that there is due \$503.58, with legal interest thereon from the 15th day of May, 1893; and the said Chas. L. James, M. J. James and W. W. James are the obligors in said note, it is ordered that a rule be awarded against each of them, returnable to the first day of the next term of this court, to show

cause, if any they can, why
they should not be adjudged
to pay said note, and why
so much of said land as
may be necessary, purchased
by said Chas. L. James and Mr. J.
James in this cause, should
not be sold to pay said pur-
chase money note. And this
cause is continued.

James & Linda Smith

vs. Deere

C. O. Coal & Iron Co.

C. O. Coal & Iron Co.
March 9, 1894

Enter this

March 9 1894

H. A. M.

James & Lorinda Smith, - - Compls.
vs. { In Chancery.

Crab Orchard Coal & Iron Co., Defls.

This cause came on again
this day to be heard upon the papers
formerly read therein and the report
of Counr. A. M. Goins of the sale of
the land in the bill, ^{+ proceedings} mentioned,
filed May 22nd, 1893, said report
having been filed for more than 10
days before the first day of this
term of this court, and the same
being unexcepted to, it is adjudg-
ed, ordered and decreed that the
said report and sale be and are
hereby confirmed, and that said
Chas. L. James & M. J. James be entitled
to take possession of said land at
any time hereafter; And ~~this cause~~
~~is continued~~, where said de-
ferred payments become
due, said Goins will col-
lect & pay out the same to
said plaintiffs & this cause
is continued

James & Lorrinda Smith

vs { Decree No. 2

C. O. C. & J. Company

Entered on D.B. pages
486-7

June 8, 1893

J. Q. & Hyatt & Co

Enter this Decree

June 8 1893

H. S. Orin

James^{and} Lorina Smith, - - - Compls.
vs. } In Chancery.

Crab Orchard Coal & Iron Co., Deft.

This cause came on this day to be heard upon the Bill of the complainants and exhibits filed therewith, and it appearing that process has been duly served on said defendant for more than 15 days before the 1st day of the term of this court, and it failing to appear and plead or answer, on motion of the complainants, the court doth take their bill for confessed.

On consideration of all which, and for reasons appearing to the court, it is adjudged, ordered and decreed that James Smith do recover from the defendant the sum of \$290⁰⁰/₁₀₀, with legal interest thereon from the 15th day of Oct., 1890, until paid, and that Lorinda Smith do recover from the defendant the sum of \$145³³/₁₀₀, with legal interest thereon from the 15th day of Oct., 1890, until paid, together with the costs of this suit. And it is further adjudged, ordered and decreed that unless said defendant pay said two sums of money,

with interests, and the costs of this suit
in 30 days from the first day of the
term of this court, then A. M. Coine,
who is hereby appointed a special
commissioner for the purpose, will pro-
ceed to sell the land in the bill and
proceedings mentioned, or so much
thereof as may be necessary to pay
the said debts, with interests, and
the costs of this suit, on a credit
of six months, except a sum suf-
ficient to pay the costs and commis-
sions of sale, which sums he will
require to be paid in hand, and
for the deferred payments he will
take bond payable to himself with
good personal security. He will make
said sale at the front door of the court-
house of Lee County on some court day
at public outcry and to the highest
bidder. Before proceeding to make said
sale he will advertise the time, terms
and place of sale for 30 days by no-
tices posted at the front door of the
court house of this county, ~~and~~ in the neighborhood of
said land, and at such other places
as he may think necessary. But

before proceeding to execute the terms
of this decree, he will execute bond
before the clerk of this court in the
penalty of \$1000, conditioned as the
law requires in such cases.
And this cause is continued.

James & Lorinda Smith

vs. Decree No 1.

Crab Orchard Co. & D. Co.

Entered in Chy. O. B.
for 449 & 450. March
9th/93.
J. A. G. Hyatt, Clerk

Enter this

March 9th

March 9th/93

James^{2d} Lorinda Smith, - - - Complots.
vs. $\frac{1}{2}$ In Chy.

Crab Orchard Coal & Iron Company, - Defls.

To the Hon. H. S. K. Morison,
Judge of the Circuit Court
of Lee County, Virginia:-

Your undersigned Special Commissioner begs leave to report, that, in pursuance of a decretal order entered in the above styled cause at the March term, 1893, of your honor's court, he executed said order on the 15th day of May, 1893, that being a court day, and he having first advertised the time, terms and place of sale as directed by said decree, by exposing at public sale the land in the bill and proceeding mentioned in this cause, at public outcry, to the highest and best bidder, at the front door of the Court-house, on a credit of six months, except a sum sufficient to pay the costs of suit and commission of sale, which sum was required to be paid in hand. And after much crying said land was knocked off to Chas. L. and M. J. James for the sum of \$552.17, they being the highest and best bidders. As required by the terms of said decree said

purchasers paid your Commissioner
in hand \$48.59, an amount necessary
to cover the commission of sale and the
costs of this suit, and for the deferred
payment they executed to your court.
Their joint note for the sum of \$503.58,
due in six months, bearing interest
from date of sale, with W. H. James as
their security.

The commissions arising from
this sale and the costs of this suit have
been paid to those ^{to} whom due as may
be seen from the receipts herewith filed.
All of which is respectfully submitted.
This May 22nd 1893. H. M. Goins,
Special Commr.

1.50
6.74
21
\$9.35

Recd of A. M. Goins Cash in the Case of
Jas. & Louisa Smith vs Crab Orchard Coal & Iron Co.
Nine & ³⁵/₁₀₀ Dollars my fee in said case
so as to include cost of June Term 1893
May 17th 1893. J. A. B. Hyatt C

\$19.65

Retained \$19.65 the commissions
arising from the sale of the land
in the above styled cause.

This May 15th 1893,

A. M. Goins,
Commr.

#13.50.

Received of A. M. Goins, Comr. fifteen
dollars and fifty-cents (\$15.50), the
attys. fee and amount paid Surgen-
eant of the Corporation of the City of
Bristol, Va, for executing process.
This May 15th 1893.

Pennington & Goins,
Attys.

James Lomeda Smith

ss } Comr's report of Sale
of Land.

Crab Orchard Coal & Iron
Company.

Filed May 22nd 1893
D. C. Hyatt

James & Lorinda Smith

vs.

} In Chy.

C. O. Coal & Iron Company.

To the Hon. H. S. K. Morison, Judge
of the Circuit Court for Lee County, Va.

Your undersigned Special Commissioner in the above styled cause begs leave to report that the note executed to him by Chas. L. James, M. J. James and W. W. James, on the 15th day of May, 1893, for the purchase price of the land in the bill and proceedings mentioned, and as set out fully by your Commissioner in the report filed herein by him on the 22nd day of May, 1893, became due and payable on the 15th day of Nov., 1893, and your Court has repeatedly informed said purchasers that said note was due and payable, and have requested them to come forward and pay off the same; but up to this date they have failed to pay the same, or any part thereof. Under the foregoing circumstances your Court deems it proper to report said delinquency to the Court and to apply for a rule returnable to the first day of the next term of this Court, against the above obligors, to show

cause, if any they can, why the land
purchased by them should not be re-
sold to pay off said purchase money
note.

All of which is respectfully sub-
mitted, this Feb. 23, 1894

A. M. Goins,
Special Commr.

James & Lorida Smith

vs. } Goins Report,

Gr. O. Coal & Iron Co.

Filed Feb. 23, 1894.

W. B. Murdree C.

Jas & Lorinda Smith

vs In Chancery
Lerab Orchard Coal & Iron Co.

The undersigned, who was
heretofore, as a special Comm. sold
the lands in this Cause mentioned,
begs leave to report that the pur-
chase of said land, M. J. and
Chas. S. James, have paid the re-
quire purchase money on said
land, and that he has paid
said money out to the plain-
tiffs Atty. in this Cause, E.
H. Pennington, whose receipt is
here filed. Therefore the said
M. J. & Chas. S. James are en-
titled to deed to said land.
This Nov. 14th 1894.

A. M. Gomis

Special Comm.

1
Jas & Lorrinda Smith
no } Report of Comr.
 } Comr. of Collection
 } of Sale money
Levab Orchard & Co. Les
Filed Nov. 14/94

Enter this
Nov 14/94

James & Lorinda Smith

vs.

Crab Orchard Coal & Iron Co.

} In Chancery.

To the Hon. W. F. Miller, Judge of the
Circuit Court of Lee County, Virginia

The undersigned Special Commr.
begs leave to report, that, in pur-
suance to a decree entered in this
cause on the 14th day of Nov. 1894,
appointing him a special Commr. for
the purpose of making and accen-
tuing to the purchasers of the land
in the bill and proceedings mentioned
in this cause a deed with-covenants
of Special warranty, he has complied
with the order of the court and has
made said deed as directed by said
order, and the same is filed herewith
marked "D".

All of which is respectfully submitted,
this March 4th 1895.

A. M. Lewis,
Special Commr.

James Lorrinda Smith

vs Com's Report of Debt

Crab Orchard Coal & Iron Co

Filed March 4th 1895-
AB Munsey Clerk

KNOW ALL MEN BY THESE PRESENTS. That we *A. M. Gains and*
J. E. Turner
are held and firmly bound unto the Commonwealth of Virginia, in the sum of *One*
Thousand dollars, to the payment whereof, well and truly
to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our
and each of our heirs, executors and administrators, jointly and severally, firmly by these
presents, hereby waiving the benefit of our homestead exemptions as to this obligation,
and any claim, right, or privilege to discharge any liability arising under this bond, or by
virtue of said office or trust, in any currency, funds, counter claims or offsets other than
legal-tender currency of United States. Sealed with our seals, and dated *10th* day
of *Apr.*, one thousand eight hundred and *93*.

The Condition of The Above Obligation is Such, That if the above bound *A. M. Gains*
shall faithfully perform the duties of *his* office or trust, as *Commissioner*
under a decree of the Circuit Court of the County of Lee, pronounced on the *9th*
day of *Mar.*, 18 *93*, in the suit therein depending
under the name and style of *James + Lorrinda Smith* Plaintiff
vs. *Crab Orchard Coal + Iron Co.* Defendant
and properly account for all sums of money *that he* may receive as
such *Commissioner*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
presence of

A. M. Gains (SEAL.)
J. E. Turner (SEAL.)
(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day

suret on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit
Court of the County of Lee, that
estate after the payment of all just debts, and those
for which bound as securit for others, and expect to have
to pay worth the sum of

dollars.

Given under my hand this

day of

18

Test:

Clerk.

James + Lorrinda Smith

vs $\frac{3}{3}$ Bond.

Crab Orchard Coal + Iron Co.

Filed April 10th 1893

J. A. Hyatt

The Commonwealth of Virginia.

Serjt. of the City of Bristol
To The Sheriff Of Lee County Greeting:

We Command You to Summon

The Crab Orchard

Coal and Iron Company a corporation
doing business and organized
under the laws of the State of Va

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *it* by *Louisa Smith*

and James Smith

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *19th* day of *January* 18*93*, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

Executed on the Crab Orchard Coal and Iron
Company, an incorporation under the laws of the State
of Virginia, by delivering an office copy of the within
Summons to H. H. James, Secretary and General Man-
ager of said Company, in the Corporation of the
City of Bristol, Virginia, the said H. H. James residing
therein. This Jan. 21 1893.

Justus T. Hilly

Sergeant of the Corporation the City of Bristol

Virginia.

1893

James Smith et al.

or
specie they

20

Crab Orchard Coal and Iron Co.

To 1st Feb. 1893.

M. Clark #2.64

East Lorinda Smith

and Rice

Grub Orchard Coal

of Laramie Co.

1.52.48
1.1.1.1
2.1.1.1